

EXHIBIT

A

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SHEILA J. PORTER,
Plaintiff
-vs- Civil Action
ANDREA CABRAL; SUFFOLK COUNTY No. 04-11935-DPW
SHERIFF'S DEPARTMENT; SUFFOLK
COUNTY and CORRECTIONAL MEDICAL
SERVICES, INC.,
Defendants

DEPOSITION OF ANDREA CABRAL, ESQUIRE, a witness
called on behalf of the Plaintiff, in the
above-captioned matter, said deposition being
taken pursuant to the Federal Rules of
Civil Procedure, before Patricia M.
McLaughlin, a Certified Shorthand Reporter and
Notary Public in and for the Commonwealth of
Massachusetts, at the offices of Goodwin Procter
LLP, Exchange Place, Boston, Massachusetts, on
Friday, May 6, 2005, commencing at 9:40 a.m.

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

* * * * *
SHEILA J. PORTER, *
Plaintiff *
-vs- * Civil Action
ANDREA CABRAL; SUFFOLK COUNTY * No. 04-11935-DPW
SHERIFF'S DEPARTMENT; SUFFOLK *
COUNTY and CORRECTIONAL MEDICAL *
SERVICES, INC., *
Defendants *
* * * * *

CONFIDENTIAL PURSUANT TO THE PROTECTIVE ORDER

CONTINUED DEPOSITION OF ANDREA CABRAL, ESQUIRE,
a witness called on behalf of the Plaintiff, in the
above-captioned matter, said deposition being
taken pursuant to the Federal Rules of
Civil Procedure, before Patricia M.
McLaughlin, a Certified Shorthand Reporter and
Notary Public in and for the Commonwealth of
Massachusetts, at the offices of Goodwin Procter
LLP, Exchange Place, Boston, Massachusetts, on
Friday, June 24, 2005, commencing at 10:10 a.m.

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1 whether or not -- I don't recall whether or
2 not she even got back to me.

3 Q Give me a complete statement, if you would,
4 of the reasons why you concluded or decided
5 to give the order to bar Miss Porter.

6 A She's a nurse working at the House of
7 Correction; pursuant to our contract with CMS
8 is told by an inmate that the inmate has been
9 abused and beaten by an officer, alleges that
10 there is physical evidence of those bruises.
11 The nurse does not document in the medical
12 record her observations of what was relayed
13 to her by the patient.

14 Upon our discovery that these
15 allegations have been made and our discovery
16 that she, in fact, was one of the first
17 people to whom the allegations had been
18 reported, we request a confidential report.
19 The confidential report is not submitted in a
20 timely manner. It is received by us ten days
21 subsequent to it being requested. It is not
22 in memo form to Deputy Superintendent
23 Mastrorilli, to whom the report should have
24 been addressed, from Sheila Porter. It is on

1 a medical record form, which has particular
2 significance to me and it is dated on the
3 date of the incident in the space reserved
4 for the date as though that's when the
5 treatment was rendered.

6 Q Those are your entire reasons?

7 A Those were my reasons.

8 Q And it's your testimony that it had nothing
9 to do with the fact that Miss Porter spoke to
10 the FBI?

11 A No.

12 Q Did you understand or assuming these are your
13 reasons --

14 MS. CAULO: Objection. She just
15 testified that those were her reasons.

16 Q What is it in the policies of the Sheriff's
17 Department that makes any of these statements
18 of reasons that you have given a basis under
19 which someone can be barred from the
20 facility?

21 A If I can refer to Exhibit 1?

22 Q Sure.

23 A Just going through the policy, certainly
24 under policy statements on Page 1, first, I

1 memory of it?

2 A I believe that was who I was speaking of, and
3 it was clear to me that U.S. Attorney
4 Sullivan was also speaking about
5 Nurse Porter.

6 Q In the second paragraph of Exhibit 8, you
7 start with a reference to the June 16th
8 meeting. If you go to Exhibit 6, the third
9 paragraph at the bottom of Page 1, the last
10 two lines talk about that you answered,
11 "Truthfully and unequivocally that
12 Sheila Porter's assignment to the department
13 was not cancelled because she provided
14 information to the FBI or your office.
15 Indeed, we had a candid and substantive
16 discussion regarding the actual and
17 appropriate reasons for that cancellation."

18 Did I read that correctly?

19 A You did.

20 Q What were the actual and appropriate reasons
21 that were expressed in the June 16th meeting
22 to Mr. Sullivan and others as to the reason
23 for cancelling Miss Porter's ability to come
24 into the facility?

1 A They were in a shorter, more concise version,
2 what I previously testified to as to my
3 reasons for barring her. There was also --

4 I remember that Elizabeth Keeley spoke.
5 I think Viktor Theiss also spoke as well.
6 The sum and substance of it was that there
7 was no documentation in the medical record;
8 that a report wasn't given to us in a timely
9 manner. What we received was not a
10 confidential report. There was an issue
11 about the backdating of the report. There
12 was additional conversation around some of
13 the other things that concerned us, the
14 subsequent appearance of Maureen Robinson at
15 the facility the next day.

16 And it was all happening -- this
17 conversation was all happening sort of at the
18 same time. So there were a number of things
19 that were said. I remembered it as a candid
20 and substantive discussion, but I don't have
21 an exact recollection as to what everyone
22 said and what everyone responded and what the
23 questions were.

24 Q Are the reasons that you gave to Mr. Sullivan

1 and the others at this meeting for
2 Miss Porter's barring different in any way to
3 the reasons that you indicated in your prior
4 testimony of why you made the decision to bar
5 her?

6 A I don't recall them as being different.

7 Q So you believe you gave both no fewer and no
8 larger number of reasons to Mr. Sullivan than
9 you've given in your testimony here as for
10 your reason for barring Miss Porter?

11 MS. CAULO: Objection.

12 A I could not say that. I could not say that.
13 I don't have a specific recollection -- I
14 need to put this in context. When we go to a
15 meeting with the U.S. Attorney, the first
16 assistant and the SAC, Ken Kaiser, we go to
17 this meeting believing that the
18 conversation -- or I should say that I went
19 to this meeting believing that we were going
20 to have a conversation about how to improve
21 the relationship between the U.S. Attorney's
22 Office, the FBI and the Sheriff's Department,
23 because historically that relationship had
24 not been good.

1 campaign was forced to pay fines to the
2 Office of Campaign and Political Finance?

3 MS. CAULO: Objection.

4 A There may have been.

5 Q What incidents are you aware of?

6 A I'm aware of a -- what is the name of it?
7 What are they called? Dear friend card, a
8 dear friend card that was sent out. A dear
9 friend card is essentially a card that people
10 who support the campaign send to friends and
11 neighbors encouraging them to vote for a
12 particular candidate.

13 I didn't prepare or create the dear
14 friend card. I'm aware that it was sent out.
15 In a bottom corner, it contained standard
16 language indicating if you wanted to
17 volunteer for the campaign or if you wanted
18 to contribute to the campaign, call or log
19 onto the website or something of that nature.

20 Some of the people who sent out dear
21 friend cards were public employees, and
22 ultimately, the Office of Campaign Finance
23 essentially said that that could be
24 interpreted as a solicitation for money by

1 public employees. And we actually -- I'm not
2 sure actually who brought it to their
3 attention, but I remember distinctly that my
4 campaign manager called to inquire about it.
5 We spoke with them, and they determined what
6 the appropriate relief was. And we abided by
7 that.

8 Q And the relief was a fine for violating
9 Section 13 of the Mass. General Laws,
10 Chapter 55?

11 A Right. But that goes to my campaign,
12 Mr. Savage, not me.

13 Q And you were aware of the dear friend cards
14 going out when they went out?

15 MS. CAULO: Objection.

16 A I was aware when they went out. I was not
17 aware of everything that was contained in
18 them. I had seen an early draft. I had
19 perused an early draft. They went out in the
20 regular course as they do in campaigns.

21 Q Did the early drafts contain the information
22 that violated the law?

23 MS. CAULO: Objection.

24 A I clearly didn't see it. Had I seen it, I

1 probably would have spoken up and said should
2 this be here, but I didn't see it.

3 Q I'm wondering whether it contained it?

4 A I don't know. If I didn't see it, I couldn't
5 tell you whether or not it contained it.

6 Q Was there another incident where your
7 campaign was fined for breaking the law?

8 MS. CAULO: Objection.

9 A I object to your characterization of breaking
10 the law. There might have been a second
11 incident. I don't have a recollection of
12 what it is.

13 Q Do you have a recollection of an incident of
14 where a sheriff's employee was moving
15 furniture from the Sheriff's Department to
16 your campaign offices in violation of the
17 law?

18 MS. CAULO: Objection.

19 A I have a recollection that a Sheriff's
20 Department employee instructed another to
21 drop off surplused furniture and that that
22 was unknown to me when it happened. When I
23 found out that it happened, I suspended the
24 employee for two weeks.

1 U.S. Attorney's Office is disclosing
2 confidential information like that, I think
3 it would be extremely improper.

4 THE WITNESS: I would like to also add
5 for the record that an application to the
6 U.S. Attorney's Office, I am aware, is
7 completely confidential in all of its
8 particulars and that I am very surprised that
9 Mr. Savage has this information.

10 MR. SAVAGE: Mr. Savage has asked
11 questions. Mr. Savage doesn't have
12 information.

13 THE WITNESS: I want the record to
14 reflect that Mr. Savage clearly has
15 information related to very specific and very
16 particular details of my application to the
17 U.S. Attorney's Office.

18 BY MR. SAVAGE:

19 Q And you violated the statements on your
20 student loan applications that indicate that
21 you would repay the money, right?

22 MS. CAULO: Objection.

23 A Mr. Savage, at the time that I applied for
24 the loans, I promised to pay them, which all

1 people who apply for the loans promise to do.
2 At some point I was unable to repay them. I
3 defaulted on them. As they should have, the
4 people involved brought lawsuits in order to
5 get the money back, because I simply didn't
6 have it. I didn't contest those lawsuits,
7 and I repaid all of those loans.

8 Q When did your tenure end at the Suffolk
9 County District Attorney's Office?

10 MS. CAULO: Objection. Asked and
11 answered at the first day of her deposition.

12 A Sometime in 2002, in April, I think.

13 Q And did you resign that position?

14 A I did.

15 Q Did you have accrued leave at the time you
16 left that position?

17 A I did.

18 Q Did you receive it as a lump sum payment or
19 how was that handled?

20 A I was paid for the time, but I was paid for
21 the time over a period of time.

22 Q Is that the typical way in which it was
23 handled?

24 MS. CAULO: Objection.